

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1) WILLIAM H. STOLLER, an
individual and trustee of the William H.
Stoller Trust,

Plaintiff,

v.

(1) ROBERT A. FUNK, an individual and
trustee of the Robert A. Funk Trust, (2) the
ROBERT A. FUNK TRUST,
(3) ROBERT E. FELLINGER, and
(4) JERI CRAIG, individuals,

Defendants,

and

EXPRESS SERVICES, INC., a Colorado
corporation,

Nominal Defendant.

Case No. 5:11-cv-01144-C

**PLAINTIFF'S OBJECTIONS TO
NOMINAL DEFENDANT EXPRESS SERVICES, INC.'S EXHIBIT LIST**

Plaintiff William H. Stoller submits the following objections to nominal defendant Express Services, Inc.'s exhibit list dated December 24, 2013:

No.	Date	Description	DEX/Bates No.	Objections
1.	09/29/10	Letter from Cole Ramey to Dennis Rawlinson regarding distributions		Hearsay; irrelevant
2.	01/13/11	Letter from Cole Ramey to Dennis Rawlinson regarding distributions		Hearsay; irrelevant

No.	Date	Description	DEX/Bates No.	Objections
3.	02/11/11	Letter from Cole Ramey to all counsel enclosing materials from December 22, 2010 ESI Board meeting		Hearsay; irrelevant
4.	02/21/11	Letter from Cole Ramey to all counsel regarding implementation of December 2010 ESI Board meeting resolutions		Hearsay; irrelevant
5.	04/11/11	Memorandum from Mr. Bostwick regarding shortfall amount		Hearsay; irrelevant
6.	04/18/11	Letter to all counsel regarding promissory notes		Hearsay; irrelevant
7.	12/13/11	Letter from Cole Ramey to Dennis Rawlinson regarding distributions		Hearsay; irrelevant
8.	10/22/12	Letter from Cole Ramey to Dennis Rawlinson regarding promissory notes		Hearsay; irrelevant
9.	03/15/13	Letter from Cole Ramey to Dennis Rawlinson regarding audit and collateral issues		Hearsay; irrelevant
10.	03/17/13	Letter from Cole Ramey to Dennis Rawlinson regarding audit issues		Hearsay; irrelevant
11.	04/26/13	Letter from Cole Ramey to Dennis Rawlinson regarding security interest and audit issues		Hearsay; irrelevant

No.	Date	Description	DEX/Bates No.	Objections
12.	06/07/13	ESI's objections and responses to Plaintiff's First Set of Interrogatories, and ESI data and records produced to all parties in further response thereto and as identified therein		Hearsay; irrelevant
13.	09/13/13	Letter from Cole Ramey to Dennis Rawlinson regarding interest		Hearsay; irrelevant
14.	10/09/13	Letter from Cole Ramey to Dennis Rawlinson regarding distributions		Hearsay; irrelevant
15.	10/09/13	Letter from Cole Ramey to Dennis Rawlinson regarding meetings		Hearsay; irrelevant
16.	11/06/13	Letter to Dennis Rawlinson enclosing documents produced by ESI		Hearsay; irrelevant
17.	N/A	Forthcoming response of ESI to letter from Dennis Rawlinson dated August 12, 2013		Hearsay; irrelevant; plaintiff reserves right to raise further objections once exhibit is produced
18.	N/A	Forthcoming response of ESI to letter from Dennis Rawlinson dated October 28, 2013		Hearsay; irrelevant; plaintiff reserves right to raise further objections once exhibit is produced

No.	Date	Description	DEX/Bates No.	Objections
19.	N/A	Forthcoming response of ESI to letter from Dennis Rawlinson dated November 12, 2013		Hearsay; irrelevant; plaintiff reserves right to raise further objections once exhibit is produced
20.	N/A	Forthcoming response of ESI to letter from Dennis Rawlinson dated November 20, 2013		Hearsay; irrelevant; plaintiff reserves right to raise further objections once exhibit is produced
21.	N/A	All exhibits listed by Plaintiff or Defendants to which ESI does not object.		Plaintiff incorporates objections to other defendants' exhibits
22.	N/A	Discovery and communications amongst counsel are ongoing; therefore, ESI reserves its right to list additional exhibits which may be generated thereby.		Plaintiff reserves right to object when exhibits are identified
23.	N/A	Reserved for impeachment/rebuttal exhibits.		Plaintiff reserves right to object when exhibits are identified

No.	Date	Description	DEX/Bates No.	Objections
24.	N/A	Reserved for demonstrative exhibits.		Plaintiff reserves right to object when demonstrative exhibits are identified

DATED this 24th day of January, 2014.

s/ Jeffrey T. Sagalewicz

Dennis P. Rawlinson (*pro hac vice*)

Oregon State Bar #763028

Joshua M. Sasaki (*pro hac vice*)

Oregon State Bar #964182

Jeffrey T. Sagalewicz (*pro hac vice*)

Oregon State Bar #054660

MILLER NASH LLP

111 S.W. Fifth Avenue, Suite 3400

Portland, Oregon 97204

Telephone: (503) 224-5858

Fax: (503) 224-0155

E-mail: dennis.rawlinson@millernash.com

josh.sasaki@millernash.com

jeff.sagalewicz@millernash.com

Oliver S. Howard, OBA #4403

Scott R. Rowland, OBA #11498

Amelia A. Fogleman, OBA #16221

Graydon Dean Luthey, Jr., OBA #5568

GABLE GOTWALS

1100 ONEOK Plaza

100 West Fifth Street

Tulsa, Oklahoma 74103-4217

Telephone: (918) 595-4800

Fax: (918) 595-4990

E-mail: ohoward@gablelaw.com

srowland@gablelaw.com

afogleman@gablelaw.com

dluthey@gablelaw.com

W.A. "Drew" Edmondson, OBA #2628
GABLE GOTWALS
One Leadership Square, 15th Floor
211 North Robinson
Oklahoma City, Oklahoma 73102-7101
Telephone: (405) 235-5500
Fax: (405) 235-6060
E-mail: dedmondson@gablelaw.com

Of Attorneys for Plaintiff William H. Stoller

CERTIFICATE OF SERVICE

☒ I hereby certify that on January 24, 2014, I electronically transmitted Plaintiff's Objections to Nominal Defendant Express Services, Inc.'s Exhibit List to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Mr. George S. Corbyn, Jr.
Mr. Joe M. Hampton
Ms. Amy J. Pierce
Corbyn Hampton PLLC
211 N. Robinson Avenue, Suite 1910
Oklahoma City, Oklahoma 73102
Fax: (405) 702-4348
E-mail: gcorbyn@corbynhampton.com
jhampton@corbynhampton.com
apierce@corbynhampton.com

*Attorneys for Defendants Robert A.
Funk and the Robert A. Funk Trust*

Mr. Gary S. Chilton
Mr. Stephen R. Johnson
Mr. James E. Warner III
Mr. Gideon A. Lincecum
Holladay & Chilton PLLC
204 N. Robinson Avenue, Suite 1550
Oklahoma City, Oklahoma 73102
Fax: (405) 236-2349
E-mail: gchilton@holladaychilton.com
sjohnson@holladaychilton.com
jwarner@holladaychilton.com
glincecum@holladaychilton.com

*Attorneys for Defendant Robert E.
Fellinger*

Mr. Jay P. Walters
Mr. Nicholas V. Merkley
Mr. Terry W. Tippens
Fellers Snider Blankenship Bailey &
Tippens-OKC
100 N. Broadway Avenue, Suite 1700
Oklahoma City, Oklahoma 73102-8820
Fax: (405) 232-9659
E-mail: jwalters@fellerssnider.com
nmerkley@fellerssnider.com
ttippens@fellerssnider.com

*Attorneys for Defendants Robert A.
Funk and the Robert A. Funk Trust*

Mr. Robert W. Nelson
Mr. Guy R. Wood
Mr. Brett M. Stingley
Nelson Terry Morton DeWitt
Paruolo & Wood
Post Office Box 138800
Oklahoma City, Oklahoma 73113
Fax: 405-705-2573
Email: rnelson@ntmdlaw.com
guywood@ntmdlaw.com
bstingley@ntmdlaw.com

Attorneys for Defendant Jeri Craig

////

////

////

////

////

Mr. Cole B. Ramey
Mr. Michael V. Marconi
Crouch & Ramey LLP
2001 Ross Avenue, Suite 4400
Dallas, Texas 75201
Fax: (214) 922-7101
E-mail: cramey@crouchfirm.com
mmarconi@crouchfirm.com

*Attorneys for Nominal Defendant
Express Services, Inc.*

Ms. Crystal A. Johnson
Mr. Kiran A. Phansalkar
Conner & Winters-OKC
211 N. Robinson Avenue, Suite 1700
Oklahoma City, Oklahoma 73102
Fax: (405) 232-2695
E-mail: cjohnson@cwlaw.com
kphansalkar@cwlaw.com

*Attorneys for Nominal Defendant
Express Services, Inc.*

s/ Jeffrey T. Sagalewicz

Jeffrey T. Sagalewicz
MILLER NASH LLP

Of Attorneys for Plaintiff William H. Stoller